

CLOSED

**U.S. District Court
Southern District of Florida (Ft. Lauderdale)
CIVIL DOCKET FOR CASE #: 0:05-cv-60340-KAM**

Sun-Sentinel Company v. U.S. Department, et al
Assigned to: Judge Kenneth A. Marra
Demand: \$0
Cause: 05:0552 Freedom of Information Act

Date Filed: 03/08/2005
Date Terminated: 12/19/2007
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Sun-Sentinel Company
*publisher of the South Florida
Sun-Sentinel*

represented by **David Steven Bralow**
Tribune
633 N Orange Avenue
Orlando, FL 32801
407-420-5627
Fax: 420-5760
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Deanna Kendall Shullman
Thomas &LoCicero PL
101 N.E. 3rd Avenue
Suite 1500
Ft. Lauderdale, FL 33301
561-967-2009
Fax: 561-967-2244
Email: deanna.shullman@tlolawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Rachel Elise Fugate
Thomas &LoCicero PL
400 North Ashley Drive
Suite 1100
Tampa, FL 33602
813-984-3060
Fax: 813-984-3070
Email: rachel.fugate@tlolawfirm.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

V.

Defendant

U.S. Department of Homeland Security

represented by **Steven R. Petri**
United States Attorney's Office
500 E Broward Boulevard
7th Floor
Fort Lauderdale, FL 33301-3002
954-356-7255
Fax: 356-7180
Email: Steve.Petri@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

**Federal Emergency Management
Agency**

represented by **Steven R. Petri**
(See above for address)

LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/20/1941	<u>8</u>	ANSWER by U.S. Department, Fed. Emergency Mgmt. (Attorney Steven R. Petri) to amended complaint (Former Deputy Clerk) (Entered: 04/25/2005)
03/08/2005	<u>1</u>	COMPLAINT filed; FILING FEE \$250.00 RECEIPT #538504; A-7 Magistrate Judge Barry S. Seltzer (at, Deputy Clerk) (Entered: 03/09/2005)
03/08/2005	<u>2</u>	DISCLOSURE STATEMENT by Sun-Sentinel Company (at, Deputy Clerk) (Entered: 03/09/2005)
03/08/2005	<u>3</u>	SUMMONS(ES) issued for U.S. Department (Former Deputy Clerk) (Entered: 03/10/2005)
03/08/2005	<u>4</u>	SUMMONS(ES) issued for Fed. Emergency Mgmt. (Former Deputy Clerk) (Entered: 03/10/2005)
03/31/2005	<u>5</u>	RETURN OF SERVICE executed as to Fed. Emergency Mgmt. By Serving: Steve Petri, AUSA 3/11/05 Answer due on 5/10/05 for Fed. Emergency Mgmt. (Former Deputy Clerk) (Entered: 04/01/2005)
03/31/2005	<u>6</u>	RETURN OF SERVICE executed as to U.S. Department By Serving: Steve Petri, AUSA 3/11/05 Answer due on 5/10/05 for U.S. Department (Former Deputy Clerk) (Entered: 04/01/2005)
04/05/2005	<u>7</u>	AMENDED COMPLAINT by Sun-Sentinel Company, (Answer due 4/15/05 for U.S. Department, for Fed. Emergency Mgmt.) amending [1-1] complaint (ss, Deputy Clerk) (Entered: 04/07/2005)
05/04/2005	<u>9</u>	MOTION with memorandum in support by Sun-Sentinel Company for production of Vaughn Index , and for expedited consideration and production (gp, Deputy Clerk) (Entered: 05/04/2005)
05/10/2005	<u>10</u>	ORDER denying without prejudice [9-1] motion for production of Vaughn Index, denying without prejudice [9-2] motion for expedited consideration and production (Signed by Judge Kenneth A. Marra on 5/9/05) [EOD Date: 5/13/05] (Former Deputy Clerk) (Entered: 05/13/2005)
05/17/2005	<u>11</u>	RESPONSE by U.S. Department, Fed. Emergency Mgmt. to [9-1] motion for production of Vaughn Index, [9-2] motion for expedited consideration and production (ss, Deputy Clerk) (Entered: 05/19/2005)
05/20/2005	<u>12</u>	MOTION to intervene by Senator Bill Nelson (ss, Deputy Clerk) (Entered: 05/23/2005)
05/20/2005	<u>13</u>	NOTICE of attorney appearance for Bill Nelson by Charles H. Lichtman, Mitchell Wayne Berger (ss, Deputy Clerk) (Entered: 05/23/2005)
05/26/2005	<u>14</u>	REPLY by Sun-Sentinel Company to response to [9-1] motion for production of Vaughn Index, [9-2] motion for expedited consideration and production (gz, Deputy Clerk) (Entered: 05/26/2005)
06/02/2005	<u>15</u>	RESPONSE by U.S. Department, Fed. Emergency Mgmt. to [12-1] motion to intervene by Senator Bill Nelson (gz, Deputy Clerk) (Entered: 06/03/2005)
06/06/2005	<u>16</u>	RESPONSE by Sun-Sentinel Company to [12-1] motion to intervene by Senator Bill Nelson (gz, Deputy Clerk) (Entered: 06/06/2005)
06/17/2005	<u>17</u>	STIPULATION by Bill Nelson In Re: withdraw motion to intervene and to allow filing of amicus curiae (gz, Deputy Clerk) (Entered: 06/17/2005)
06/21/2005	<u>18</u>	ORDER withdrawing and mooting [12-1] motion to intervene by Senator Bill Nelson (Signed by Judge Kenneth A. Marra on 6/20/05) [EOD Date: 6/22/05] (gz, Deputy Clerk) (Entered: 06/22/2005)

06/23/2005	<u>19</u>	ORDER granting [9–1] motion for production of Vaughn Index, granting [9–2] motion for expedited consideration and production (Signed by Judge Kenneth A. Marra on 6/23/05) [EOD Date: 6/24/05] (gz, Deputy Clerk) (Entered: 06/24/2005)
07/13/2005	<u>20</u>	MOTION by U.S. Department, Fed. Emergency Mgmt. to extend time for filing of Vaughn index by two days (gz, Deputy Clerk) (Entered: 07/14/2005)
07/15/2005	<u>21</u>	ORDER granting [20–1] motion to extend time for filing of Vaughn index by two days due on or before 7/27/05 (Signed by Judge Kenneth A. Marra on 7/15/05) [EOD Date: 7/15/05] (gz, Deputy Clerk) (Entered: 07/15/2005)
07/25/2005	<u>22</u>	JOINT Scheduling Report of Scheduling Meeting by Sun–Sentinel Company, U.S. Department, Fed. Emergency Mgmt. (ss, Deputy Clerk) (Entered: 07/26/2005)
07/27/2005	<u>23</u>	NOTICE of filing of Vaughn indexes and affidavits describin withheld documents (attachment) by U.S. Department, Fed. Emergency Mgmt. (gz, Deputy Clerk) (Entered: 07/28/2005)
07/28/2005	<u>24</u>	NOTICE of status of contracts referenced in Vaughn Index by U.S. Department, Fed. Emergency Mgmt. (gz, Deputy Clerk) (Entered: 07/29/2005)
08/04/2005	<u>25</u>	ORDER setting Trial Date & Discovery Deadlines, Referring Case to Mediation and Referring Discovery Motions to United States Magistrate Judge setting Jury trial set for 12/12/05 Calendar call set for 10:00 12/9/05 Deadline for filing of all motions by 9/12/05 Discovery cutoff 8/26/05 ; (Signed by Judge Kenneth A. Marra on 8/2/05) [EOD Date: 8/5/05] CCAP (gz, Deputy Clerk) (Entered: 08/05/2005)
08/04/2005	<u>25</u>	ORDER referring case to mediation. 15 days to appoint mediator (Signed by Judge Kenneth A. Marra on 8/2/05) [EOD Date: 8/5/05] (gz, Deputy Clerk) (Entered: 08/05/2005)
08/04/2005	<u>25</u>	ORDER REFERRING DISCOVERY MATTERS to Magistrate Judge Barry S. Seltzer (Signed by Judge Kenneth A. Marra on 8/2/05) CCAP [EOD Date: 8/5/05] (gz, Deputy Clerk) (Entered: 08/05/2005)
09/08/2005	<u>26</u>	Unopposed MOTION by Sun–Sentinel Company for leave to exceed page limit in memorandum of law in support of its motion for summary judgment (gz, Deputy Clerk) (Entered: 09/08/2005)
09/09/2005	<u>27</u>	ORDER granting [26–1] motion for leave to exceed page limit in memorandum of law in support of its motion for summary judgment not to exceed 35 pages (Signed by Judge Kenneth A. Marra on 9/9/05) [EOD Date: 9/9/05] (gz, Deputy Clerk) (Entered: 09/09/2005)
09/12/2005	<u>28</u>	MOTION by Sun–Sentinel Company (Attorney) to Adopt Motion of Other Defendant as to motion to continue deadline for dispositive filings and mediation and memorandum of law (gz, Deputy Clerk) (Entered: 09/12/2005)
09/12/2005	<u>29</u>	UNOPPOSED MOTION by U.S. Department, Fed. Emergency Mgmt. to continue Deadline for Dispositive Filings and Mediation (gp, Deputy Clerk) (Entered: 09/13/2005)
09/14/2005	<u>30</u>	ORDER granting [29–1] motion to continue Deadline for Dispositive Filings and Mediation; granting [28–1] motion to Adopt Motion of Other Defendant as to motion to continue deadline for dispositive filings and mediation and memorandum of law (Signed by Judge Kenneth A. Marra on 9/14/05) [EOD Date: 9/15/05] (gz, Deputy Clerk) (Entered: 09/15/2005)
09/26/2005	<u>31</u>	Dispositive MOTION by Sun–Sentinel Company for summary judgment (gz, Deputy Clerk) (Entered: 09/27/2005)
09/26/2005	<u>32</u>	MEMORANDUM by Sun–Sentinel Company in support of [31–1] motion for summary judgment (gz, Deputy Clerk) (Entered: 09/27/2005)
09/26/2005	<u>33</u>	Statement of material facts in support by Sun–Sentinel Company re: [31–1] motion for summary judgment (gz, Deputy Clerk) (Entered: 09/27/2005)

09/26/2005	<u>34</u>	NOTICE of filing transcript by Sun-Sentinel Company (gz, Deputy Clerk) (Entered: 09/27/2005)
09/26/2005	<u>35</u>	NOTICE of filing Sally Kestin declaration by Sun-Sentinel Company (gz, Deputy Clerk) (Entered: 09/27/2005)
09/26/2005	<u>36</u>	Request by Sun-Sentinel Company for expedited oral argument on [31-1] motion for summary judgment (gz, Deputy Clerk) (Entered: 09/27/2005)
09/26/2005	<u>37</u>	MOTION with memorandum in support by Sun-Sentinel Company for in camera review (gz, Deputy Clerk) (Entered: 09/27/2005)
09/26/2005	<u>38</u>	MOTION by U.S. Department, Fed. Emergency Mgmt. for leave to file motion for summary judgment; file copies of declarations; amend Vaughn index (gz, Deputy Clerk) (Entered: 09/27/2005)
09/26/2005	<u>39</u>	MOTION by U.S. Department, Fed. Emergency Mgmt. for summary judgment (gz, Deputy Clerk) (Entered: 09/27/2005)
09/28/2005	<u>40</u>	ORDER granting [37-1] motion for in camera review (Signed by Judge Kenneth A. Marra on 9/28/05) [EOD Date: 9/29/05] (gz, Deputy Clerk) (Entered: 09/29/2005)
10/06/2005	<u>41</u>	NOTICE of Mediation Hearing on 10/7/05 at 9:30 Judith A. Bass added as mediator (gz, Deputy Clerk) (Entered: 10/07/2005)
10/07/2005	<u>42</u>	RESPONSE by Sun-Sentinel Company to [38-1] motion for leave to file motion for summary judgment; file copies of declarations; amend Vaughn index (gz, Deputy Clerk) (Entered: 10/07/2005)
10/11/2005	<u>43</u>	Statement of facts in opposition by Sun-Sentinel Company re: [39-1] motion for summary judgment (gz, Deputy Clerk) (Entered: 10/12/2005)
10/11/2005	<u>44</u>	MEMORANDUM of law by Sun-Sentinel Company in opposition to [39-1] motion for summary judgment (gz, Deputy Clerk) (Entered: 10/12/2005)
10/11/2005	<u>45</u>	RESPONSE by U.S. Department, Fed. Emergency Mgmt. to [31-1] motion for summary judgment (gz, Deputy Clerk) (Entered: 10/12/2005)
10/11/2005	<u>46</u>	NOTICE of filing original declarations (attached) by U.S. Department, Fed. Emergency Mgmt. (gz, Deputy Clerk) (Entered: 10/12/2005)
10/12/2005	<u>47</u>	ORDER set calendar call for 10:00 12/8/05 before Judge Kenneth A. Marra (Signed by Judge Kenneth A. Marra on 10/11/05) [EOD Date: 10/13/05] (gz, Deputy Clerk) (Entered: 10/13/2005)
10/17/2005	<u>48</u>	JOINT MOTION by Sun-Sentinel Company, U.S. Department, Fed. Emergency Mgmt. to dispense with mediation (gz, Deputy Clerk) (Entered: 10/18/2005)
10/18/2005	<u>50</u>	NOTICE of Mediation Hearing on 10/21/05 Judith A. Bass added as mediator (gz, Deputy Clerk) (Entered: 10/20/2005)
10/19/2005	<u>49</u>	REPLY memorandum of law in support by Sun-Sentinel Company to [39-1] motion for summary judgment (gz, Deputy Clerk) (Entered: 10/19/2005)
10/19/2005	<u>51</u>	Submission of responsive documents for in camera review by U.S. Department, Fed. Emergency Mgmt. (gz, Deputy Clerk) (Entered: 10/20/2005)
10/19/2005	<u>52</u>	REPLY by U.S. Department, Fed. Emergency Mgmt. to response to [39-1] motion for summary judgment (gz, Deputy Clerk) (Entered: 10/20/2005)
10/20/2005	<u>53</u>	ORDER granting [48-1] joint motion to dispense with mediation (Signed by Judge Kenneth A. Marra on 10/20/05) [EOD Date: 10/21/05] (gz, Deputy Clerk) (Entered: 10/21/2005)
10/21/2005	<u>54</u>	ORDER granting [38-1] motion for leave to file motion for summary judgment; file copies of declarations; amend Vaughn index (Signed by Judge Kenneth A. Marra on 10/21/05) [EOD Date: 10/21/05] (gz, Deputy Clerk) (Entered: 10/21/2005)

11/16/2005	<u>55</u>	ORDER granting [36-1] motion for expedited oral argument on [31-1] motion for summary judgment Motion hearing before Judge Kenneth A. Marra set for 1:00 12/7/05 for [39-1] motion for summary judgment, set for 1:00 12/7/05 for [31-1] motion for summary judgment All pretrial and trial deadlines are VACATED (Signed by Judge Kenneth A. Marra on 11/16/05) [EOD Date: 11/16/05] (gz, Deputy Clerk) (Entered: 11/16/2005)
11/16/2005	<u>56</u>	NOTICE of additional authority and compliance by U.S. Department, Fed. Emergency Mgmt. (gz, Deputy Clerk) (Entered: 11/17/2005)
12/06/2005	<u>57</u>	NOTICE of release of records by U.S. Department, Fed. Emergency Mgmt. (gz, Deputy Clerk) (Entered: 12/07/2005)
12/07/2005	<u>58</u>	Minutes of motion hearing held before Judge Kenneth A. Marra on 12/7/05; (gz, Deputy Clerk) (Entered: 12/08/2005)
12/07/2005		Motion hearing re: [39-1] motion for summary judgment Motion hearing held, [31-1] motion for summary judgment Motion hearing held (gz, Deputy Clerk) (Entered: 12/08/2005)
03/14/2006	<u>59</u>	MOTION by Sun-Sentinel Company (Attorney Deanna Kendall Shullman) to substitute Rachel E. Fugate and Deanna K. Shllman as Attorney (gz, Deputy Clerk) (Entered: 03/15/2006)
03/14/2006	<u>60</u>	STIPULATED motion by Sun-Sentinel Company In Re: substitution of counsel (gz, Deputy Clerk) (Entered: 03/15/2006)
03/16/2006	<u>61</u>	ORDER approving [59-1] motion to substitute Rachel E. Fugate and Deanna K. Shllman as Attorney (Signed by Judge Kenneth A. Marra on 3/16/06) [EOD Date: 3/17/06] (gz, Deputy Clerk) (Entered: 03/17/2006)
04/14/2006	<u>62</u>	ORDER set status conference for 1:30 4/21/06 before Judge Kenneth A. Marra (Signed by Judge Kenneth A. Marra on 4/14/06) [EOD Date: 4/14/06] (gz, Deputy Clerk) (Entered: 04/14/2006)
04/14/2006	<u>63</u>	ORDER granting in part, denying in part [31-1] motion for summary judgment; granting in part, denying in part [39-1] motion for summary judgment (Signed by Judge Kenneth A. Marra on 4/14/06) [EOD Date: 4/14/06] (gz, Deputy Clerk) (Entered: 04/14/2006)
04/21/2006	<u>64</u>	Minutes of status conference held before Judge Kenneth A. Marra on 4/21/06; Court Reporter Name or Tape #: Stephen Franklin (gz, Deputy Clerk) (Entered: 04/24/2006)
04/21/2006		Status conference held before Judge Kenneth A. Marra (gz, Deputy Clerk) (Entered: 04/24/2006)
04/24/2006	<u>65</u>	ORDER set status conference for 1:00 5/15/06 before Judge Kenneth A. Marra (Signed by Judge Kenneth A. Marra on 4/21/06) [EOD Date: 4/25/06] (gz, Deputy Clerk) (Entered: 04/25/2006)
05/17/2006	<u>66</u>	Final Judgment regarding production of records. Pending motions denied as MOOT, case is CLOSED. {see order for details} (Signed by Judge Kenneth A. Marra on 5/17/06) [EOD Date: 5/18/06] (gz, Deputy Clerk) (Entered: 05/18/2006)
05/17/2006		CASE CLOSED. Case and Motions no longer referred to Magistrate. (gz, Deputy Clerk) (Entered: 05/18/2006)
06/05/2006	<u>67</u>	NOTICE OF APPEAL by Fed. Emergency Mgmt., U.S. Department of [66-1] order EOD Date: 5/18/06; Filing Fee: \$ FEE NOT REQUIRED (GOVERNMENT); Copies to USCA and Counsel of Record. (ga, Deputy Clerk) (Entered: 06/07/2006)
06/16/2006	<u>68</u>	MOTION with memorandum in support by Sun-Sentinel Company for attorney fees and costs (gp, Deputy Clerk) (Entered: 06/19/2006)
06/16/2006	<u>69</u>	NOTICE of FILING attached AFFIDAVIT of Jonathan D. Kaney, Jr. by Sun-Sentinel Company Re: [68-1] motion for attorney fees and costs (gp, Deputy Clerk) (Entered: 06/19/2006)

06/16/2006	<u>70</u>	NOTICE of FILING attached AFFIDAVIT by Rachel E. Fugate Sun-Sentinel Company Re: [68-1] motion for attorney fees and costs (gp, Deputy Clerk) (Entered: 06/19/2006)
06/16/2006	<u>71</u>	AFFIDAVIT of Rachel E. Fugate by Sun-Sentinel Company Re: [68-1] motion for attorney fees and costs and supporting memorandum of law (lh, Deputy Clerk) (Entered: 06/19/2006)
06/16/2006	<u>77</u>	NOTICE of viefication of plaintiff's motion for attorneys' fees and costs and supporting memorandum of law, by Sun-Sentinel Company (Former Deputy Clerk) (Entered: 08/14/2006)
06/20/2006	<u>72</u>	NOTICE of Receipt of Notice of Appeal Transmittal Letter from USCA on 6/12/06 Re: [67-1] appeal by U.S. Department, Fed. Emergency Mgmt. USCA NUMBER: 06-13306-E (ga, Deputy Clerk) (Entered: 06/21/2006)
06/23/2006	<u>73</u>	TRANSCRIPT filed of hearing held 12/7/05 before Judge Kenneth A. Marra Pages: 1-90 re: [67-1] appeal by U.S. Department, Fed. Emergency Mgmt. . . (ga, Deputy Clerk) (Entered: 06/26/2006)
06/29/2006	<u>74</u>	UNOPPOSED MOTION by Fed. Emergency Mgmt., U.S. Department to extend time for filing of response to motion for attorneys fees (gp, Deputy Clerk) (Entered: 07/03/2006)
07/10/2006	<u>75</u>	ORDER granting [74-1] motion to extend time for filing of response to motion for attorneys fees Response to motion reset to 8/4/06 for [68-1] motion for attorney fees and costs (Signed by Judge Kenneth A. Marra on 7/10/06) [EOD Date: 7/11/06] (gz, Deputy Clerk) (Entered: 07/11/2006)
08/04/2006	<u>76</u>	RESPONSE by Fed. Emergency Mgmt., U.S. Department to [68-1] motion for attorney fees and costs (dp, Deputy Clerk) (Entered: 08/07/2006)
09/01/2006	<u>78</u>	REPLY MEMORANDUM IN SUPPORT by Sun-Sentinel Company to its [68-1] motion for attorney fees and costs (at, Deputy Clerk) (Entered: 09/06/2006)
11/17/2006	<u>79</u>	CERTIFICATE of Readiness and Record on Appeal transmitted to USCA (ATLANTA) consisting of 3 volumes of pleadings; 1 volume of transcripts and 1 accordian folder re <u>67</u> Notice of Appeal filed by Federal Emergency Management Agency,, U.S. Department of Homeland Security, USCA#06-13306-E (bg) (Entered: 11/17/2006)
01/18/2007	<u>80</u>	ORDER terminating for statistical purposes <u>68</u> Motion for Attorney's Fees . Signed by Judge Kenneth A. Marra on 1/17/2007. (ls) (Entered: 01/18/2007)
08/21/2007	<u>81</u>	Plaintiff's MOTION for Attorney Fees – <i>UNOPPOSED PETITION FOR RULING ON PLAINTIFF'S MOTION FOR ATTORNEYS' FEES</i> by Sun-Sentinel Company. Responses due by 9/5/2007 (Shullman, Deanna) (Entered: 08/21/2007)
08/24/2007	<u>82</u>	MANDATE OF USCA (certified copy), The Judgement of the district court in SUN is AFFIRMED and the Judgement of the district court in NEWS is REVERSED and REMANDED for further proceedings consistent with this opinion; The Bill of Costs are hereby taxed in the amount of \$101.02 against Appellant and are payable directly to Appellee as to <u>67</u> Notice of Appeal filed by Federal Emergency Management Agency,, U.S. Department of Homeland Security, Date Issued:08/20/07; USCA Appeal# 06-13306-FF. Copy to Judge. (amb) Modified on 8/24/2007 (amb).(Document corrected to include Bill of Costs) (Entered: 08/24/2007)
08/24/2007	83	Notice of Docket Correction: re <u>82</u> USCA Mandate, Document corrected to include the Bill of Costs. (amb) (Entered: 08/24/2007)
10/02/2007	<u>84</u>	Appeal Record Returned (Miami Records):Consisting of (3)Volumes of Pleadings (Copies), (1)Volume of Transcripts, and (1) Accordion Folder containing copies of pleadings <u>67</u> Notice of Appeal. USCA #06-13306-FF (amb) (Entered: 10/04/2007)
12/13/2007	<u>85</u>	ORDER granting <u>81</u> Petition for Ruling on Plaintiff's Motion for Attorney Fees. Motion hearing set for 1/3/08 at 1:30 p.m. Signed by Judge Kenneth A. Marra on 12/12/07. (ir) (Entered: 12/13/2007)

12/13/2007		Set Hearings: Motion for Attorney's Fees Hearing set for 1/3/2008 01:30 PM in West Palm Beach Division before Judge Kenneth A. Marra. (ir) (Entered: 12/13/2007)
12/18/2007	<u>86</u>	NOTICE by Sun-Sentinel Company <i>Notice of Withdrawal of Plaintiff's Motion for Attorneys' Fees</i> (Attachments: # <u>1</u> Exhibit)(Shullman, Deanna) (Entered: 12/18/2007)
12/19/2007	<u>87</u>	ORDER Closing Case; all pending motions are denied as moot; Signed by Judge Kenneth A. Marra on 12/18/2007.(bs) (Entered: 12/19/2007)